REMARKS

This submission is in response to the Office Action dated February 12, 2003. Claims 1-11, 28, 39, and 40 are pending in this application. Claims 1 and 2 have been amended. No new matter is introduced by this amendment. Reconsideration of this application, in view of the amendments and the following remarks, is respectfully requested.

Applicant appreciates the Examiner's telephone conference on June 9, 2003. The amendment is made in accordance with the Examiner's suggestion.

As to the claim rejection under 35 U.S.C. §102(e), the applicant respectfully submits that the Walker reference (U.S. Patent 5,651,775) does not disclose a coded site as required by the claims. The independent claims 1 and 2 require "coded substance site(s) ... wherein the code for the site ... corresponds to the substance." As the Examiner noted, the SLC (syringe label cradle) unit 231 and the slots 70 in the tray disclosed in Walker constitute the carrier and site(s) recited in the claims respectively. But Walker discloses a coding only for the SLC unit and does not disclose any coding for the slots or tray. While the SLC units may be placed in the slots on the tray in a sequence according to the intended order of use, such alignment does not constitute a "code corresponding to the substance." Even if the relative position of the syringe units is perceived as a code, it would relate only to the sequence of intended administration, not to the substance per se. Therefore, the Walker reference does not anticipate the present invention.

During the telephone conference, the Examiner stated that even if the present invention is not anticipated by prior art, it might be obvious in view of the art. To expedite prosecution, the applicant addresses this issue here.

The present invention is not obvious in view of Walker and similar references because the present invention is designed to solve a different problem from that addressed in the prior art. Walker offers a complex computer assisted system for monitoring the drugs that each patient receives. When the drug is to be administered, the tray with syringe units is positioned so that the appropriate syringe unit aligns with the patient's intravenous and a computer verifies the syringe unit label information against the patient's information. The advantage in Walker, as well as other prior art, is that the system generates an alarm if the syringe unit label does not

match the prescribed drug for the patient as previously programmed in the computer system. The tray itself has no coding or labeling and the position on the tray has no coded meaning. Thus, for example, if a syringe unit is missing or if the syringe units are incorrectly arranged on the tray, there is no indication of the missing or misplaced unit. And if the patient information is incorrect or there is an error in the computer program, there is no indication.

In contrast, in the present invention, the coding corresponding to the substance is indicated on the site and carrier. The benefit arises from matching of the readily accessible codes on the sites and carriers. The matching may be performed almost instantaneously by visual comparison, using a bar code scanner or other suitable device. This method effectively reduces errors, especially during emergency medical procedures, because the site may be coded at a different time or by a different person, etc., than the coding for the carrier. The present invention does not reply on the association with the patient's information (although such a system may be used on combination with the present invention if available). The advantage of this method is that the knowledgeable practitioner may verify and monitor the drug administration independently of any computerized patient verification methods. In fact, the Walker system may be improved by applying the present invention to it.

Finally, with all due respect, the obviousness that the Examiner discussed on the telephone might be attributed to hindsight. The absence of the present invention from the prior art, despite many other developments in the field, tends to show that the invention is not obvious. Moreover, the standards for obviousness require some suggestion or motivation in the art to include the claimed features. No suggestion or motivation to combine references or modify a disclosed method has been identified on the record.

Therefore in view of the above amendments and remarks, it is respectfully submitted that this application is in condition for allowance.

If there are any issues remaining that the Examiner believes could be resolved through supplemental response or examiner's amendment, the Examiner is respectfully requested to contact the undersigned.

Dated: August 12, 2003

Respectfully submitted,

By _____

Chanah Brenenson
Registration No.: 47,442
Attorneys for Applicant